

Amendments to the Drawings:

No amendments are made to the Drawings herein.

REMARKS

Claims 12, 13 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mori (U.S. Patent No. 4,932,485) in view of Dialog (Taxation: Commission Plans Common Vat for Gold). Applicant respectfully asks the Examiner to reconsider this rejection in view of the below Remarks.

The present invention is directed to a computer implemented, fungible precious metal backed, currency system which includes an "emint" which electronically creates "ecoins" in a variety of weights. Each "ecoin" (referred to in Claim 12 as an "electronic data file") includes information embedded in it comprising: a unique serial number, the weight (denominated in either grams or ounces or other physical measurement) of the fungible precious metal (usually gold) that it represents and which has been deposited at secure facilities, the date that the "ecoin" was created, and a digital signature for authenticating the "ecoin". The currency system is 100% backed, meaning that a total amount of fungible precious metal represented by an aggregate of the "ecoins" is no greater than the quantity of fungible precious metal stored in secure facilities.

Mori discloses an electronic scale device which measures weight of an item and calculates a price of the item by multiplying the weight of the item by a unit price of the item, and a printing device for printing out item data including the weight of the item and the price of the item on a label paper or a receipt paper. The electronic scale device includes a memory device for storing member-customer data including customer name, customer address, and total amount eligible for rebate based on total purchase amount, the member-customer data being read from the memory device by inputting customer-identification data, a calculating device for calculating rebate data including rebate amount or a number of points for rebate, based on the total amount eligible for rebate, and a printer control device for controlling the printing device to print out at least one data set

including the customer name and the customer address and a second data set including the rebate data on a receipt paper or a label paper by device of the printing device.

Applicant respectfully submits, however, that Mori does not disclose, teach or suggest in any way numerous of the elements required by Claim 12. More specifically, Mori does not disclose, teach or suggest in any way identifying an amount of the fungible precious metal represented by an electronic data file and storing the identified amount as part of said electronic data file, the identified amount being no greater than a deposit of the fungible precious metal having been previously received at the secure facilities. Mori is simply dealing with a PLU (price look-up) file which specifies item data, such as unit price, term of validity, item code, total weight, total price and item name for an item, and a customer file which specifies customer-related information, such as customer name, customer address, total purchase amount, price eligible for rebate, rebate, number of points and the like. There is no disclosure, teaching or suggestion of identifying an amount of a fungible precious metal, which amount is no greater than a deposit amount, and storing the identified amount in an electronic data file.

Moreover, Mori does not disclose, teach or suggest in any way identifying a date associated with an electronic data file, the date indicating the date when the electronic data file was created, and storing the date as part of said electronic data file. There would simply be no reason to identify the date either of the PLU or the customer file disclosed in Mori had been created.

Furthermore, there is absolutely no disclosure, teaching or suggestion in Mori to create a digital signature for authenticating the electronic data files, and storing the digital signature as part of the electronic data files. As is explained in detail in the specification of the current application, the digital signatures comprise

security measures which are implemented to ensure that counterfeit “ecoins” are not fraudulently created. Again, however, Mori is concerned with a PLU (price look-up) file and a customer file, neither of which comprises sensitive material. As such, there would be no reason to implement a digital signature technique so as to prevent counterfeiting with the system of Mori.

With respect to Dialog, this reference discloses simply that gold depository accounts have been known for some time. However, Applicant respectfully submits that Dialog does not disclose, teach or suggest any of the above-highlighted claimed elements that are missing from Mori, such that even if combined, a system resulting from the combination of Mori and Dialog would not possess any of the above-highlighted elements required by all claims of the present invention.

Moreover, it is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). Applicant respectfully submits that there is no disclosure, teaching or suggestion whatsoever either in Mori or Dialog themselves, or within the knowledge of one skilled in the art, which would suggest to combine the two references. The two references, one relating to a PLU (price look-up) file which specifies item data, and a customer file which specifies customer-related information, and the other of which relates to strategies for taxing industrial gold versus financial gold, have absolutely nothing to do with each other, and there is no suggestion that the two should, or even could, be combined.

In short, both Mori and Dialog are concerned with systems/methods which are not only completely different than the claimed invention, but which are also completely different than and unrelated to one another. Applicant respectfully

submits that even when read to the broadest reasonable extent, there are numerous elements of Claim 12 which are not disclosed, taught or suggested by Mori and/or Dialog individually. Nor does a combination of the two references disclose or render obvious these same missing elements (even if the combination were proper). Applicant also respectfully submits that because Mori and Dialog are concerned with solving completely different problems than one another, there would be no motivation to combine the two references.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 12, 13 and 15, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



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